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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,973	01/14/2004	Kenneth Parker		3771
7590	09/27/2007		EXAMINER LOCKETT, KIMBERLY R	
John K Buche Buche & Associates PC 7777 Fay Avenue Suite 205 La Jolla, CA 92037			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/756,973	PARKER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kim R. Lockett	2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,6,12-17,20,21,24-26,28,29,38-40 and 51-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1,5,22,23 and 27 is/are rejected.
- 7) Claim(s) 6,12-17,20,21,24-26,28 and 29 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: ____ .                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/25/04</u>   | 6) <input type="checkbox"/> Other: ____ .                         |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 22, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker in view of Coomar.

Tucker et al discloses a method of manufacturing a musical instrument comprising forming a plurality of layers of wood into a stack, with a grain orientation of adjacent layers differing, the grain orientations defining a crossing angle between 5 and 45 degrees, the crossing angle between adjacent layers less than 90 degrees (see figure 4), and molding the stack with a resin (column 4, lines 55-60)

Tucker does not disclose the specific use of a mold to form a lamination comprising at least a portion of the musical instrument.

Coomar et al discloses the use of a musical instrument with a resin in a mold to form a lamination (column 5, lines 35-45) comprising at least a portion of the musical instrument with a cavity therein.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the body as disclosed by Tucker with the mold as disclosed by Coomar in order to provide a body with a high degree of surface gloss.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker in view of Coomar and Othon.

Tucker et al discloses a method of manufacturing a musical instrument comprising forming a plurality of layers of wood into a stack, with a grain orientation of adjacent layers differing, the grain orientations defining a crossing angle between 5 and 45 degrees, the crossing angle between adjacent layers less than 90 degrees (see figure 4), and molding the stack with a resin (column 4, lines 55-60)

Tucker does not disclose the specific use of a mold to form a lamination comprising at least a portion of the musical instrument.

Coomar et al discloses the use of a musical instrument with a resin in a mold to form a lamination comprising at least a portion of the musical instrument with a cavity therein.

Tucker and Coomar do not disclose the use of a method of cutting a layer into the shape of a portion of a musical instrument.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the body as disclosed by Tucker with the mold as disclosed by Coomar and the shape as disclosed by Othon in order to provide a body with a playable shape for a stringed musical instrument.

4. Claims 6, 12-17, 20, 21, 24-26, 28, and 29, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

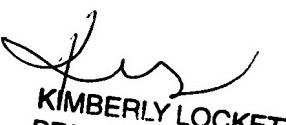
5. Claims 38-40 and 51-60 are allowed.

6. Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC) whose telephone number is 800-786-9199**. Assistance is also available on the Internet at [www.uspto.gov](http://www.uspto.gov).

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett whose telephone number is (571) 272-2067**. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988



KIMBERLY LOCKETT  
PRIMARY EXAMINER